

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Ronnie Jackson; Joshua Jones; Shane  
Kringen; Marvin Franco-Morales;  
Mitchell Osterloh; and Jesse Plentyhorse,

Civ. No. 17-4278 (JRT/BRT)

Plaintiffs,

**REPORT AND RECOMMENDATION**

v.

Sharlene Mike-Lopez; Diane Medchill;  
Kathy Ried; Bruce Rieser; David Rieshus;  
Tom Roy; and Michelle Smith,

Defendants.

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On November 3, 2017, this Court noted that the plaintiffs had not paid the required filing fee, while only one of the six plaintiffs had applied for *in forma pauperis* (“IFP”) status. *See* Doc. No. 11. “[I]f multiple plaintiffs seek to proceed *in forma pauperis*, each plaintiff must qualify for IFP status.” *Anderson v. California*, No. 10 CV 2216 MMA (AJB), 2010 WL 4316996, at \*1 (S.D. Cal. Oct. 27, 2010). Accordingly, this Court ordered that either the filing fee for this action be paid, or that each plaintiff submit an application to proceed IFP within 20 days.

That deadline has since passed. Three plaintiffs—Joshua Jones, Mitchell Osterloh, and Jesse Plentyhorse—have failed to respond to the Court’s prior order. Accordingly, this Court will recommend that those plaintiffs be dismissed from this action without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has

discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order."). This action will proceed with respect to the remaining plaintiffs.

### **RECOMMENDATION**

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that plaintiffs Joshua Jones, Mitchell Osterloh, and Jesse Plentyhorse be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: December 6, 2017

s/ Becky R. Thorson

BECKY R. THORSON

United States Magistrate Judge

### **NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).